

INFORMAL RESOLUTION
in West Virginia state government EEO complaints
Questions & Answers

What is EEO informal resolution?

Informal resolution is the process in which an EEO counselor seeks to resolve a complaint of illegal workplace harassment (EEO) by interviewing both the complainant(s) and the respondent(s), either separately or together.

Is informal resolution required?

No. Participation in informal resolution is strictly voluntary. However, unlike mediation, only the complaining party may elect informal resolution, and the respondent's agreement is not required, although it is every employee's right to refuse to speak with an EEO counselor. It is the complainant's right to proceed directly to mediation (which requires the consent of both parties), formal EEO investigation or filing a suit in circuit court rather than entering informal resolution.

Is informal resolution confidential?

Yes. Attempts at reaching an informal resolution will remain between the EEO counselor and the parties, (although some agencies may require that someone other than the EEO counselor perform informal resolutions.) If an agreement is reached, the EEO counselor will write up an agreement letter and all parties will sign it. The EEO counselor will retain a copy for her/his files, and a copy of the agreement letter will also be given to both an agency management official (whomever is designated by the agency to receive such documents) and to the WVEEO Office. Informal resolution meetings are not tape-recorded or transcribed.

Can I bring an attorney or other representative to an informal resolution?

Yes, you always have the right to have a representative with you in an employment dispute of this kind.

How long does the informal resolution process take?

Usually less than five days. Informal resolution attempts are normally quite quick. The EEO counselor will meet with both parties and can usually ascertain in that first meeting if informal resolution is possible. Successful informal resolutions avoid a time-consuming formal investigation.

Are resolutions reached during informal resolution binding?

Yes. Once all the parties sign an agreement reached during informal resolution, the agreement is binding and legally enforceable on all parties.

Can information revealed during an unsuccessful informal resolution be used during a subsequent mediation or formal investigation?

No. Once informal resolution attempts are unsuccessful, the entire process is re-started from the beginning. Information revealed by the parties during informal resolution is not recorded, or used either for or against the parties.

What happens if a complaint is not resolved during informal resolution?

If not resolved during informal resolution, the complaint may then be resolved using mediation or investigated using the formal EEO investigatory procedures set forth by the WVEEO Office or by the procedures adopted by your state agency.

Revised July 2019
WV EEO Office
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